

Exhibit

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DEPARTMENT OF CORRECTIONS  
Division of Adult Institutions  
DOC-3001 (Rev. 3/2011)

WISCONSIN

## OFF-SITE SERVICE REQUEST AND REPORT

## REQUEST

PATIENT NAME (Last, First, M.I.)  
Byrd, Lewis

DOC #  
657840

DOB (mm/dd/yyyy)  
06/22/1977

REFERRED TO  
MMC

CLINIC MEDICAL RECORD #

CLINIC / FACILITY  
Radiology

APPROPRIATE FOR TELEMEDICINE  
☐ Yes ☒ No

RELEVANT SYMPTOMS / PROBLEMS / DIAGNOSIS  
Nonunion right radial head fracture

RECEIVED  
DEC 15 2017  
OSCI-HSU

QUESTIONS / OUTCOMES TO BE ADDRESSED BY THIS EVALUATION  
MRI right elbow

\*PLEASE FAX DICTATED NOTE AND ANY RADIOLOGY RESULTS TO (920) 236 2628\*

NURSING TO ATTACH CURRENT LIST OF MEDICATIONS ALLERGIES AND DOC FORMULARY FOR ALL OFF-SITE CARE

## ADVANCED CARE PROVIDER TO SPECIFY DATA TO GO WITH PATIENT TO OFF-SITE

☐ PE/Progress Note Extracts

☐ Medical Imaging

☐ Other

☐ Lab Results

☐ Old Records/Consult Extract

OUTPATIENT CONTACT DATE (mm/dd/yyyy): 12/15/2017 ☒ CLINIC ☐ TELEMEDICINE

TIME: 8:45 ☒ AM ☐ PM

OR ADMISSION DATE (mm/dd/yyyy):

REFERRED BY:  
Dr. Dilip Tannan

HSU  
OSCI

PHONE NUMBER  
920-232-2657

FAX NUMBER  
920-236-2628

DATE (mm/dd/yyyy):  
11/27/2017

## RECOMMENDED PLAN OF CARE

PRIMARY DIAGNOSIS / OTHER DIAGNOSES / PERTINENT HISTORY & OBJECTIVE FINDINGS / TREATMENTS / PROCEDURES AND DIAGNOSTIC WORK PERFORMED:

MRI Right Elbow Performed

## RECOMMENDATIONS

## DO:

- Dictate from Recommendations

## DO NOT:

- Inform Patient of Upcoming Appointments
- Prescribe Comfort Measures Unrelated to your Specialty

FOLLOW-UP: ☐ CLINIC ☐ TELEMEDICINE \_\_\_\_ week(s) \_\_\_\_ month(s) \_\_\_\_ year

## INDICATE CLASSIFICATION IF YOU ARE RECOMMENDING SURGERY OR A PROCEDURE (Description Below)

☐ Class I ☐ Class II ☐ Class III-A ☐ Class III-B ☐ Class IV ☐ Non-Surgical

PHYSICIAN NAME (Please Print)

PHYSICIAN SIGNATURE

DATE SIGNED

HOSPITAL / CLINIC NAME

TELEPHONE NUMBER

Aug. 16. 2016 10:28AM

Vernon Co Sheriff's Department

No. 5383 P. 3

## CASE SUPPLEMENTAL REPORT

Printed: 08/16/2016 10:31

NOT SUPERVISOR APPROVED

Vernon County Sheriff's Office

OCA: 160810

THE INFORMATION BELOW IS CONFIDENTIAL FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: ARREST MADE, CASE

Occured: 08/13/2016

Offense: ASSIST OUTSIDE AGENCY

Investigator: ZIRK, WILLIAM E (25)

Date / Time: 08/13/2016 08:50:37, Saturday

Supervisor: (0)

Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Assisting Officer Report

continued to complain of pain in all areas of his body. Lewis continued to complain of injuries and requested we contact Dana, who he said was his girlfriend. Lewis wanted his family notified immediately so they could come and pick him up. Despite explaining to him several times that he was in custody and would be going to jail, he did not feel there was any reason why he was being arrested. Lewis complained of being thrown to the ground too hard and injuring his arm. The suspect complained of having bruises on his face, however he was never in a position to have a mirror or be able to see any bruising. He said there was gravel stuck in his face and lacerations. This was not true. The doctor examined his face, cheeks, and head very thoroughly and found only some minor abrasions with absolutely no debris in them. Through the x-rays it was decidedly determined Lewis had a small bone chip broken off of his right elbow. It did not require immediate surgery. The doctor attempted to splint Lewis' arm and he became very argumentative and yelled he was refusing all medical care. The doctor was able to get the splint put in place. Lewis called the doctor some names and at that time she said she was finished with his exam and he was free to go to jail.

Chief Tom Richardson and I escorted the suspect, Lewis E. Byrd, to Vernon County Deputy Mark Bellacero's squad car. Lewis was secured in the rear passenger side seat. At 1:00 PM, Deputy Bellacero transported Lewis back to the Vernon County Detention Center and I followed in my squad car.

At 1:06 AM, we arrived at the detention center. I assisted in escorting Lewis Byrd into jail where he was turned over to correctional staff. The Booking Forms were completed. Deputy Bellacero and I cleared from the jail.

---End of report---

DEPUTY SHERIFF WILLIAM ZIRK  
VERNON COUNTY SHERIFF'S OFFICE

Supplements (Edit)

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ARENZ0179



HILLSBORO POLICE DEPARTMENT

OFFICER REPORT

Investigating Officer: Officer Grover Wooten

Case Number: 16-0304

Date: 8/15/2016

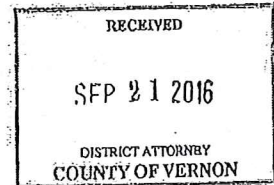
Location of Occurrence: Hwy 33 Near Hillsboro Equipment Vernon County Wi, Hillsboro Township

Offense Type: Pursuit of Fleeing Felon

Date and Time of Occurrence: 8/13/2016 at approximately 1900 hrs

Video/Audio: Squad Video

Involvement Status: Suspect: Edward Lewis Byrd III [REDACTED]/1977; 152 W 97<sup>th</sup> St Bloomington MN 55420



Summary

1) On 8/13/2016 I had just come on duty when I learned of a suspect fleeing deputies in the area. At approximately 1900 hrs, I was dispatched to assist in the apprehension of the suspect fleeing from Juneau County towards Union Center from Elroy. I was responding with lights and siren activated and I was nearing Union Center when I heard Deputy Zirk radio that a wreck had occurred during the pursuit. It was unknown to me who was involved in the wreck and if there were injuries. Upon entering Union Center I saw that a Vernon County Squad had struck a four door Lincoln in the driver's side. Deputy Zirk was out of his vehicle and stated that he and the occupants of the Lincoln did not need my assistance. Deputy Zirk stated that the suspect was fleeing towards Hillsboro, west on Hwy 33.

2) I followed the pursuit toward Hillsboro. I could only hear part of what Officer Arenz was relaying over the radio to dispatch, but I understood that the suspect vehicle and Officer Arenz were somewhere near County Hwy WW. As I was traveling to that location, I heard Officer Arenz call over the radio, "Shots fired" and "He tried to run me over." When I located Officer Arenz' squad and the suspect vehicle, they were parked and unoccupied. Bystanders stated that the suspect had fled on foot into the swamp on the opposite side of the road.

3) I parked my vehicle and proceeded on foot to search for Officer Arenz and the suspect. As I started down the embankment, I saw that Officer Arenz was handcuffing the suspect on the ground. Other law enforcement officers arrived on the scene at this time. As Officer Arenz assisted the suspect to his feet, Officer Arenz told me to request EMS. As Officer Arenz escorted the suspect up to the roadway, I asked Officer Arenz if the suspect was shot. Arenz stated that he did not know what injuries the suspect had. I could see blood on the suspect's

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elbow. Officer Arenz transferred custody of the suspect to a deputy and I radioed dispatch and requested an ambulance.

Dispatch informed me that they had a report of an injured officer. I asked a nearby deputy who was injured and the deputy stated that Officer Kreuger was injured in a crash with the suspect and was in the back of a sheriff's vehicle. I located Officer Kreuger and requested a second ambulance for him. Officer Kreuger asked me to go to Hillsboro Equipment and secure his squad. I informed the deputies on scene that I needed to secure the vehicle. They stated that they would handle securing the scene.

I secured the damaged Elroy Police Department squad and returned to the scene where I was met by Sgt. Clark. I turned the key to the Elroy Squad over the Sgt Clark and Sgt Clark reassigned me to traffic control at Lake St. and School Rd.

**END OF REPORT**

ALL INFORMATION LOCATED IN THIS REPORT I BELIEVE TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



Officer Grover M. Wooten #176  
Hillsboro Police Department

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Richardson and I took Chief Richardson to the scene. Once Chief Richardson was on scene where the suspect was apprehended, Officer Arenz and I proceeded to the location where the shots had been fired and secured the scene until it was taken over by a Monroe County Detective.

Once on the scene I requested that DCI responded to the scene for the investigation but was told that they would be unavailable due to the fact that there was another shooting in the City of Milwaukee. The Sheriff's Department was also requested to send in an Investigator and they informed me that they would not be sending an Investigator and that they were requesting an outside Agency to take over the scene, this ended up being Monroe County.

#### ASSIST WITH CRIME SCENE

Once the Monroe County Deputy arrived, I assisted him with giving him some of the equipment I had in my squad car so that he was able to secure the scene. This consisted of the numbers, tape, and chalk for marking items on the road.

State HWY 33 was eventually shut down by the Monroe County Deputy and a detour was made up to process the scene and make it safe.

#### ADDITIONAL INFORMATION

I transported Officer Arenz to St. Joseph's Hospital in Hillsboro for an examination toward the end of the investigation due to the fact that I had learned that he did in fact come in contact with blood from the suspect.

End of Officer's Report.

This information is true and accurate to the best of my knowledge.

Sgt. Patrick Clark

(16-0304.kdm)

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5. As the vehicle's approached Officer Arenz location, a civilian vehicle driven by George Schumer pulled out of a driveway between Officer Arenz and the Lexus. The vehicle driven by Schumer slowed as he approached Officer Arenz. The Lexus also slowed, went into reverse and struck the Elroy Police vehicle, damaging it and injuring Officer Kruger.
6. Officer Arenz advised that as the Lexus did this he moved around Shumer's vehicle and Schumer continued forward. At this time Officer Arenz was in the eastbound lane. He advised that the vehicle accelerated forward towards him and the driver, later confirmed to be Byrd, leaned sideways below the dash board. Officer Arenz fired his service pistol at the vehicle coming towards him and continued firing as it went past his. He fired more times as it drove away, towards Hillsboro. It is believed at this time that he fired 11 rounds from his pistol.
7. Officer Arenz got back in his vehicle and pursued Byrd. Approximately 1/4 up the road, Officer Arenz observed Byrd exited his vehicle and run on foot into a field. Officer Arenz pursued him on foot a short distance. Byrd then stopped running and put his arms up. He then complied and was taken into custody. Byrd indicated that he did have a graze wound on his elbow from the shots. Officer Arenz observed a small amount of blood from Byrd's arm. Byrd was transported to the hospital and then the jail.
8. Your affiant documented the scene and gathered evidence. Investigator Michael Marquart from WI state patrol also assisted in documenting items using computer based systems to electronically plot them. Your affiant has located 10 bullet casing and one bullet fragment at this time. Your affiant also found multiple bullet holes in the vehicle. Investigator Marquart further advised that a 3D scan of the vehicle could be done at a later time, as well as a download of the vehicle's computer.
9. You affiant also met with Sgt. Sam Winchel of Vernon County. Sgt. Winchel advised that when he arrived to assist he located a small baggie with what appears to be methamphetamine in it. The baggie was located in the road way near the location when Byrd exited the vehicle and ran on foot.
10. Your affiant looked inside the vehicle from the outside and could see part of a syringe on the floor board of the passenger seat. Your affiant had the vehicle towed to the Monroe County Impound where it was secured.
11. The affiant respectfully requests a search warrants be issued for the 2013 Lexus with MN plates 370KTR and VIN JTHCE1BL9D5006012.

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